

Remarks

Claims 1-32 remain pending.

Request For Interview

In the event the Examiner deems the arguments below to be unpersuasive, the undersigned attorney requests that the Examiner contact the undersigned attorney for an interview prior to issuance of the next substantive action.

Claim Rejections – 35 USC §103

The rejection of claims 1-32 as being unpatentable over Goodwin in view of Kasinoff is respectfully traversed.

Claims 1-13

With respect to independent claim 1, it is noted that the scale of the claimed system includes "a supply of labels and a supply of label RFID tags." Goodwin fails to disclose this feature in that the Goodwin checkout system is not intended to be used for applying labels or RFID tags to items, but instead is intended to enable customers to checkout items that already have labels and/or RFID tags thereon. Likewise, while Kasinoff discloses a scale with an RFID system for detecting an RFID tag/unit worn by a scale operator, the scale does not have an associated supply of label RFID tags that can be applied to products being weighed and priced. Kasinoff simply reads an operator worn RFID unit and determines whether to log the operator into the scale or otherwise enable certain scale functions. Kasinoff can apply standard printed labels to weighed products, but not label RFID tags. Thus, even the combination of Goodwin and Kasinoff does not teach or suggest a scale that includes associated label RFID tags that are applied to weighed items.

Claims 2-13 are distinguishable over the cited references for at least the same reasons as claim 1.

With respect to claim 3, while Kasinoff does disclose slicers 22 in the vicinity of the scale, there is no teaching or suggestion in Kasinoff that the slicers include any RFID capability or that bulk food products to be sliced would include RFID tags.

With respect to claim 7, neither Goodwin nor Kasinoff teach or suggest the claimed customer RF detection unit. Goodwin teaches that the customer provides input via input device 20 in the form of a touch screen or keyboard.

With respect to claim 8, the customer entering a response in Goodwin has nothing to do with item pricing based upon customer identity. Rather, it is simply the customer communicating to the checkout system that items ready for checkout have been placed in the proper location on the unit.

With respect to claims 9 and 10, Goodwin teaches that RFID labels are already affixed to products when the products reach the checkout unit. Accordingly, there is no reason for the Goodwin checkout unit to include labels with integrated RFID tags, or RFID tags that can be applied to labels that might be output. In fact, Goodwin would not use labels at all, as it merely needs to provide a printed paper receipt to the customer with details of the checkout transaction.

With respect to claim 12, Kasinoff contains no teaching or suggestion to combine the slicer and scale into an integrated unit.

Claims 14-19

Similar to claim 1, claim 14 recites that the scale of the claimed system includes "a supply of labels and a supply of label RFID tags." As explained above, neither Goodwin nor Kasinoff contain any teaching or suggestion for this feature. Likewise, neither Goodwin nor Kasinoff teach or suggest writing an identification number to a label RFID tag that will be applied to a weighed item. Moreover, neither reference teaches or suggests locating a label RF unit along a label path as claimed.

Claims 15 and 16 are further distinguishable for the same reasons as claims 9 and 10.

Claim 18 is further distinguishable for the same reasons as claim 12.

Claims 20-25

Similar to claims 1 and 14, claim 20 recites that the scale of the claimed system includes "a supply of labels and a supply of label RFID tags" and therefore claim 20 distinguishes over the cited combination. Likewise, neither Goodwin nor Kasinoff teach or suggest writing transaction data to a label RFID tag that will be applied to a weighed item. Moreover, neither reference teaches or suggests locating a label RF unit along a label path as claimed.

Claims 21 and 22 are further distinguishable for the same reasons as claims 9 and 10.

Claim 24 is further distinguishable for the same reason as claim 12.

Claims 26-29

Claim 26 requires a scale configured such that in connection with weighing and pricing an item the scale outputs a label with an associated label RFID tag. Neither Goodwin nor Kasinoff teach or suggest such a scale, as Goodwin teaches a system that merely reads RFID tags that are already on items and Kasinoff teaches a scale that reads operator RFID tags. Claim 26 further requires that in connection with weighing and pricing the scale controller reads an identification number of the label RFID tag or writes the identification number to the label RFID tag and also links the identification number to transaction data including at least total price and item identity. Goodwin teaches a checkout system in which transaction data is already associated with the identifying label RFID tag that is read, and the checkout system merely accesses a database to find the previously linked information. Thus, Goodwin does not teach or suggest the scale controller actually linking the transaction data to the label RFID tag identification number, and there is no reason to modify Goodwin to perform such an operation. Kasinoff also fails to teach this feature.

Regarding claim 27, the Goodwin transaction server 16 simply receives item identification from terminal 18 and returns price and weigh information from price look-up data file 44 (see col. 2, lines 65-67). Thus, Goodwin does not actually output a transaction message as per claim 27.

Claims 30-32

Similar to claims 1, 14 and 20, claim 30 recites that the scale of the claimed system includes "a supply of labels and a supply of label RFID tags" and therefore claim 30 distinguishes over the cited combination. Moreover, neither Goodwin nor Kasinoff teach or suggest outputting a label to enable application of a label RFID tag to the weighed item, as Goodwin merely teaches reading existing RFID tags of items and Kasinoff merely teaches reading operator RFID tags. Similar to claim 26, claim 30 requires the label RF unit reads an identification number of the label RFID tag or writes the identification number to the label RFID tag and the identification number is linked to transaction data including at least total price and weighed item identity. Again, Goodwin teaches a checkout system in which transaction data is

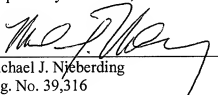
already associated with the identifying label RFID tag that is read, and the checkout system merely accesses a database to find the previously linked information.

Conclusion

It is believed that all of the pending claims have been addressed. However, the absence of a reply to a specific rejection, issue or comment does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Based upon the foregoing, all pending claims are believed to be in condition for allowance.

Respectfully submitted,


Michael J. Njebberding
Reg. No. 39,316

THOMPSON HINE LLP
Thompson Hine LLP
P.O. Box 8801
Dayton, OH 45401-8801
Telephone: (513) 352-6719
Facsimile: (937) 443-6635
E-mail: JPGroup@thompsonhine.com